

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL NO. 95-50072-01

VERSUS

JUDGE DONALD E. WALTER

JIMMY LEE RASCO

MAGISTRATE JUDGE HORNSBY

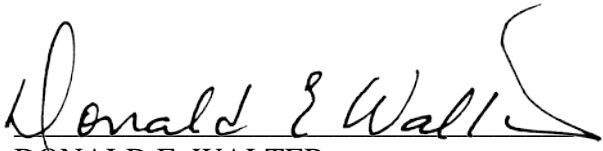
**ORDER**

Before the Court is a “Request For Authorization To File A Second Or Successive 2255 Application Pursuant To 2255(h)(2)” filed by the Defendant, Jimmy Lee Rasco (“Rasco”). See Record Document 208. Rasco previously filed a section 2255 motion, which was denied on the merits by Judge Tom Stagg on August 23, 1999. See Record Documents 140 and 147-48. As such, Rasco’s current motion qualifies as successive.

Pursuant to 28 U.S.C. § 2244(b), this Court may only entertain a second or successive habeas petition after the United States Court of Appeals for the Fifth Circuit authorizes the filing of a successive motion. See 28 U.S.C. § 2244(b)(3). Without the necessary permission, this Court lacks jurisdiction to consider the motion. See United States v. Key, 205 F.3d 773, 774 (5th Cir. 2000).

Accordingly, Rasco’s instant motion is deemed successive and hereby **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. § 1631 for further proceeding as provided by 28 U.S.C. § 2244.

**THUS DONE AND SIGNED** in Shreveport, Louisiana, this 16th day of November, 2020.

  
DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE